## SHUMAKER & SIEFFERT, P.A.

## **United States Patent Application**

	d inventor I hereby declare that my resid	ence, post office address ar	d citizenship are		
name, and that I believe I the subject matter which is	am an original, first and sole inventor (if s claimed and for which a patent is sough	only one name is listed bel nt on the invention entitled:	ow) or an origina BRAIN INJUR	al, first and joint Y PROTOCOLS	inventor of
c. was (in the case of a	, 2003 as application serial no. 10/632,1 a PCT-filed application) described and cl d for which I solicit a United States pater	aimed in international no.	(if applicable) of filed and a	or as amended on	(if any),
I hereby state that I have reany amendment referred to	eviewed and understand the contents of to above.	the above-identified specific	cation, including	the claims, as an	nended by
I acknowledge the duty to Federal Regulations, § 1.5	disclose information which is material to 6 (attached hereto).	o the patentability of this ap	plication in acco	rdance with Title	: 37, Code of
certificate listed below and	ority benefits under Title 35, United State I have also identified below any foreign he basis of which priority is claimed:				
a. on such applications b. such applications ha	s have been filed. ave been filed as follows:				
FO	REIGN APPLICATION(S), IF ANY, CI	LAIMING PRIORITY UNI	DER 35 USC § 1	19	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)		OF ISSUE nonth, year)	
ALL FOR	REIGN APPLICATION(S), IF ANY, FII	LED BEFORE THE PRIOF	RITY APPLICAT	ΓΙΟΝ(S)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)		OF ISSUE nonth, year)	

I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS



and further appoint the following Practitioners:

Thomas G. Berry	Reg. No. 31,736	Girma Wolde-Michael	Reg. No. 36,724
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as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.